

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RAY LEE ROSS,)	
)	
Petitioner,)	
)	
v.)	1:12CV1301
)	
WENDELL HARGRAVE,)	
)	
Respondent.)	

ORDER

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on December 12, 2014, was served on the parties in this action. Plaintiff subsequently filed objections to the Recommendation. (Doc. 21.) The Court has appropriately reviewed the portions of the Magistrate Judge's Recommendation to which objection was made and has made a *de novo* determination in accord with the Magistrate Judge's Recommendation. The Court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Respondent's Motion for Summary Judgment (Doc. 10) is GRANTED and Petitioner's Petition is DENIED (Doc. 2). A Judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This, the 25th day of March, 2015.

/s/ Loretta C. Biggs
United States District Judge